

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 4:06CR124-P-D**

**CHARLES BARRETT MERRILL, ET AL.,**

**DEFENDANTS.**

**ORDER CONTINUING TRIAL**

This matter comes before the court upon Defendant Charles Barrett Merrill's motion to continue trial [191]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for March 9, 2009. Defense counsel for Charles Barrett Merrill avers that he has been ordered to begin a six-week trial on February 17, 2009 in the United States District Court for the Eastern District of Kentucky in the matter of *U.S. v. William J. Gallion, et al.*, Criminal Action No. 07-CR-39-WOB-02. The Government has advised that it does not object to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from March 9, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. The time is also excludable as to the co-defendants pursuant to 18 U.S.C. section 3161(h)(6) because the period of delay is reasonable and no motion for severance has been granted.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

(1) Defendant Charles Barrett Merrill's motion to continue trial [191] is **GRANTED**;

(2) Trial of this matter is continued **as to all defendants** until Monday, May 18, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from March 9, 2009 to May 18, 2009 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is April 27, 2009; and

(5) The deadline for submitting a plea agreement is May 4, 2009.

**SO ORDERED** this the 20<sup>th</sup> day of January, A.D., 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE